



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JLP:ddj  
Docket No: 3100-00  
15 August 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 5420 SER N133D/000384 of 27 July 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
2000 NAVY PENTAGON  
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO

5420

Ser N133D/

JUL 27 2000

000384

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL  
RECORDS

Via: Assistant for BCNR Matters (PERS-00XCB)

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF  
[REDACTED]

Ref: (a) SECNAVINST 7220.80E  
(b) 37 USC Sec 301c

Encl: Docket Number 03100-00

1. Forwarded, recommending disapproval.

2. On 02 March 1998 Petty Officer [REDACTED] reenlisted for a term of four years making his Expiration of Obligated Service (EAOS) 01 March 2002. As a First Class Petty Officer with an Active Duty Service Date (ADSD) of 07 March 1982 he was limited by High Year Tenure (HYT) from incurring any additional obligated service. On 02 June 1998 Petty Officer [REDACTED] transferred from a submarine assignment to a non-submarine assignment with a PRD of 0107 (0209 required for continued entitlement to CONSUBPAY). His CONSUBPAY stopped on this date, per reference (a), due to insufficient obligated service. On 16 August 1999 his PRD was changed at his request to 0007 (0109 required for CONSUBPAY).

3. At this point, had Petty Officer [REDACTED] agreed to return to submarine duty at his new PRD, he would have once again been eligible for CONSUBPAY. Since his current assignment, FBM Test Support Unit, is Type 2 sea duty, Petty Officer [REDACTED] was eligible for shore duty and on 01 November 1999 called his detailee requesting shore duty at his PRD. On 18 November 1999 orders were written assigning him to shore duty to coincide with his PRD of 0007. This assignment has a PRD of 0203 which matches his HYT limit. Reference (b) clearly states that CONSUBPAY is paid between submarine assignments when a member has sufficient time remaining to be reassigned to submarine sea duty. Since his CONSUBPAY stopped Petty Officer Griffith has not had sufficient obligated service to return to a submarine, and, based on his current orders, is scheduled to separate from shore duty and not return to a submarine.

D. S. RATTE  
Submarine Pay Program Manager